

UNDERHILL PLANNING COMMISSION

Thursday, October 12, 2017 6:30 PM

Minutes

Planning Commissioners Present:

Chair Cynthia Seybolt

Johnathan Drew

Catherine Kearns

David Glidden

David Edson

Nancy Bergersen

Nancy Hill (483 Vermont Route 15)

Jean Archibald (22 Harvey Road)

John Koier (15 Pine Ridge Road)

Barbara Koier (15 Pine Ridge Road)

Matt Chapek (4 Krug Road)

Seth Friedman (144 Pleasant Valley Road)

Anton Kelsey (200 Pleasant Valley Road)

Miriam Pendleton (27 Harvey Road)

Gretchen Daly (414 Vermont Route 15)

Nancy McRae (599 Pleasant Valley Road)

Karen McKnight (164 Beartown Road)

Pat Sabalis (609A Irish Settlement Road)

Charles Van Winkle (88 Corbett Road)

Lea Van Winkle (88 Corbett Road)

Ellen Eccleston (1 Beartown Road)

Municipal Representatives Present:

Andrew Strniste, Planning Director

Others Present:

Walter Tanis (359 Irish Settlement Road)

Richard Kotulak (119 Irish Settlement Road)

Rich Rushlow (14 Wheeler Road)

Margaret Rushlow (14 Wheeler Road)

[6:15] The Planning Commission convened at Underhill Town Hall at 6:15pm.

[6:33] Chair C. Seybolt called the meeting to order, followed by reading the Public Notice Warning. She then provided an introduction on why the Planning Commission was proposing to update the *Underhill Unified Land Use & Development Regulations*. Afterward, she provided a timeline of events and a synopsis of the type of edits being addressed.

[6:40] Planning Commissioner Glidden began the PowerPoint presentation. Commissioner Kearns presented the accessory dwelling/multi-family dwelling portion of the presentation. Mr. Walter Tanis and Ms. Ellen Eccleston inquired about how many multi-family dwellings could be permitted as a result of the changes, as Mr. Tanis expressed his concerns about infrastructure. Chair C. Seybolt advised that the Commission was trying to restrict multi-family dwellings; however, not be overly restrictive. Commissioner Drew advised that the Commission is limiting where multi-family dwellings can be placed by restricting the construction of those structures to two districts – the Underhill Village Center Flats and the Underhill Center Districts. Mr. Tanis also expressed concern about eliminating the owner occupancy requirement. Commissioner Kearns advised that the Commission received feedback in a previous meeting suggesting that a temporary time span where an owner can absent from the premises be imposed.

[6:59] Resident Seth Friedman explained he was coming from the a tax base point of view, and opined that the proposed regulations may be overreaching as some of the proposed amendments controlling what an owner can and cannot do with his or her property. He also cautioned that reducing the size of an attached accessory dwelling could be overly restrictive. Commissioner Edson advised that the State of Vermont requires all municipalities to have both attached and detached dwellings, and that the Commission decided to follow the State regulations for attached accessory dwellings, but explained why the Commission felt it more appropriate to have its own regulations for a detached access dwelling. Resident Anton Kelsey inquired if a detached accessory dwelling could have separate infrastructure (i.e. separate septic systems and wells).

[7:08] Commissioner Glidden presented the Underhill Center Village District portion of the presentation. Various clarification questions were asked and answered. Mr. Tanis inquired about what the vision of the new district. Commissioner Drew responded that the Commission wanted to remove impediments for the residents in the Center. In addition, Commissioner Kearns stated that the new district would also encourage commerce in the form of small businesses and provide a community center. Mr. Tanis expressed his concern about infrastructure and its ability to handle commercial development. Chair C. Seybolt advised that there were environmental constraints that would inhibit large scale commercial projects, but would allow small scale commercial developments. Resident Lea Van Winkle echoed the Chair's sentiment, as large scale commercial projects were unlikely as the environmental factors were somewhat prohibitive. Ms. Lea Van Winkle also advised that the new district was a form of smart growth. Mr. Tanis advised he was also concerned about eliminating the owner occupancy requirement and Underhill turning into other areas in Chittenden County.

[7:22] Ms. Ellen Eccleston informed the audience that she felt the new center district would maintain the historical integrity of the area. She also advised that as a property owner in Underhill Center, her and her significant other struggled to get septic and a drilled well on their lot, and that they cannot really construct any structure or addition due to the constraints. Mr. Friedman asked if the Commission was looking at the other zoning districts' setback requirements to address nonconformity issues, and the response was no. Ms. Gretchen Daly informed the Commission that she was in favor of reducing the allowed number of multi-family units in the Underhill Flats, but asked why the Flats permitted a larger number of units than the Center. Commissioner Gregson advised that the Flats has town water, thus allowing greater septic capacity, where the Center had a higher water table, thereby inhibiting septic capacity. Ms. Daly also inquired about attached accessory dwellings being reduced to 30% of the principal dwelling. Commissioner Edson advised that the Town was aligning the requirements for attached accessory dwellings with the State. In addition, Staff Member Strniste distinguished between a two-family dwelling and an attached accessory dwelling, and advised that a property owner could still achieve the desired outcome, and that the difference was a matter of terminology.

[7:31] Mr. Charles Van Winkle inquired about why the Planning Commission did not reconcile the Road Ordinance and the *Underhill Unified Land Use & Development Regulations*. Staff Member Strniste advised that the Commission ran out of time during this round of edits to address the issue, and that they would be looking at the issue in more depth going forward. Mr. Van Winkle then inquired about density bonuses and Planned Unit Developments. Specifically, he asked what changed that made the Commission propose an amendment that eliminated bonus densities (he provided an explanation to the audience of how density bonuses function). Chair C. Seybolt advised that the Planning Commission opined that there should not be more density than what is allowed in the respected district, and therefore, voted to eliminate the possibility of excessive density. Mr. Van Winkle advised that he thought the first two paragraphs of the rationale for eliminating density bonuses conflicted with one another. Commissioner Edson informed the audience that the issue is ultimately a judgment call, and the Commission felt that 10 acre zoning should be ten acre zoning. Mr. Van Winkle thought the Commission should keep bonus densities. Mr. Kelsey opined that the Commission seems to be reducing restrictions with the introduction of the Underhill Center Village District, while at the same time adding restrictions to the Regulations (e.g. accessory dwellings). He felt that these were two competing philosophies. While he likes the new village zoning district, he felt the 200 ft. restriction was arbitrary. Mr. Kelsey opined that he thought the Commission should only propose the Underhill Center and hold off on proposing other amendments in order to fix the one issue.

[7:43] Ms. Karen McKnight advised that she disagreed with Mr. Van Winkle's sentiment towards density bonuses, as well as expressed her concern about the proposal being rejected by the voters due to the elimination of the owner occupancy requirement.

[7:45] Resident Richard Kotulak advised that he thought the proposal was good, and that all of the proposed amendments should be presented at one time. He also advised that the proposed plan provided advantages to both the rural areas of town and Underhill Center. Resident Rich Rushlow asked for an explanation of the proposed Tiny House regulations.

[7:48] Ms. Van Winkle echoed the sentiment of only focusing on proposed amendments that would fix the issues with the Underhill Center rather than focusing on multiple issues. Ms. Eccleston expressed her concern about the proposed amendments being rejected by the voters due to a well-orchestrated counter outreach movement. A clarification question was asked about tiny houses. Ms. McKnight advised that she felt the 200 ft. restriction was encouraging as it would help prevent fragmenting of development.

[7:20] Chair C. Seybolt called an end to the meeting after no additional public comment was provided.

Respectfully Submitted By:

Andrew Strniste, Planning Director

The minutes of the October 12, 2017 meeting were accepted this 19 day of October, 2017.



Catherine Kearns, Planning Commission Clerk